

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK

ASSOCIATION FOR MOLECULAR
PATHOLOGY, et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND
TRADEMARK OFFICE, et al.,

Defendants.

CASE NO. 09-CV-4515 (RWS)

**MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

U.S. DISTRICT COURT
OF NEW YORK
FEB 2 2010
FILED
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09-CV-4515
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PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Michael R. Huttenlocher, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *Pro Hac Vice* of

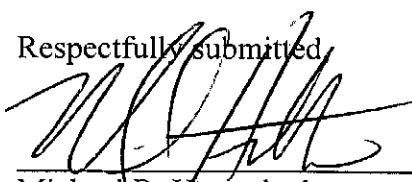
William G. Gaede, III
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100
Menlo Park, CA 94025
Telephone: 650.815.7400
Facsimile: 650.815.7401

William G. Gaede, III is a member in good standing of the Bar of the State of California. There are no disciplinary proceedings against William G. Gaede, III in any State or Federal Court.

Dated: February 2, 2010
New York, New York

McDERMOTT WILL & EMERY LLP

Respectfully submitted,


Michael R. Huttenlocher
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MCDERMOTT WILL & EMERY LLP
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**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK**

ASSOCIATION FOR MOLECULAR
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Defendants.

CASE NO. 09-CV-4515 (RWS)

**AFFIDAVIT OF MICHAEL R. HUTTENLOCHER IN SUPPORT
OF MOTION TO ADMIT COUNSEL *PRO HAC VICE***

I, MICHAEL R. HUTTENLOCHER, being duly sworn, hereby depose and say as follows:

1. I am a member of the law firm of McDermott Will & Emery LLP, attorneys herein for *Amici Curiae* BayBio, Celera, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of *Amici Curiae*'s motion to admit William G. Gaede, III as counsel *pro hac vice* to represent the *Amici Curiae* in the above-captioned matter.

2. I am a member in good standing of the Bar of the State of New York and was admitted to practice before that bar on June 20, 2006. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Gaede has been a member of the law firm of McDermott Will & Emery LLP since February 2005.

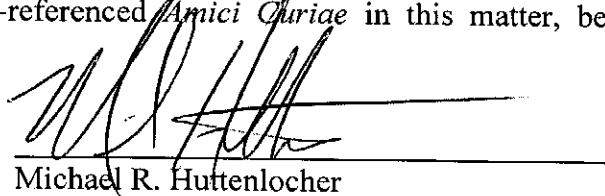
4. I have found Mr. Gaede to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move for the admission of William G. Gaede, III, *pro hac vice*.

6. I respectfully submit a proposed order granting the admission of William G. Gaede, III, *pro hac vice*. The proposed order is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit William G. Gaede, III, *pro hac vice*, to represent the above-referenced *Amici Curiae* in this matter, be granted.

Dated: February 2, 2010
New York, New York



Michael R. Huttenlocher

Sworn to before me this

2nd day of February 2010.



Notary Public

MONICA S ASNER
Notary Public State of New York
No. 02AS6213908
Qualified in New York County
Commission Expires Nov. 23, 2013

EXHIBIT

A

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Defendants.

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**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Michael R. Huttenlocher, attorney for *Amici Curiae* BayBio, Celera, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc., and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name:	William G. Gaede, III
Firm Name:	McDermott Will & Emery LLP
Address:	275 Middlefield Road, Suite 100
City/State/Zip:	Menlo Park, CA 94025
Phone Number:	650.815.7400
Fax Number:	650.815.7401
Email Address:	wgaede@mwe.com

is admitted to practice *Pro Hac Vice* as counsel for *Amici Curiae* BayBio, Celera, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing (ECF) system, and counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *Pro Hac Vice* fee to the Clerk of the Court.

Dated: February , 2010
New York, New York

United States District Court Judge



THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

MEMBER SERVICES CENTER

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

January 13, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, WILLIAM GEORGE GAEDE, III, #136184 was admitted to the practice of law in this state by the Supreme Court of California on December 7, 1988; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Sima La Fontaine".

Sima La Fontaine
Custodian of Membership Records

CERTIFICATE OF SERVICE

I certify under penalty of perjury that, pursuant to 28 U.S.C. §1746, on Tuesday, February 2, 2010, I served upon each of the parties listed below a true and correct copy of the accompanying Motion to Admit Counsel Pro Hac Vice and Affidavit of Michael R. Huttenlocher in Support of Motion to Admit Counsel Pro Hac Vice by First Class U.S. Mail:

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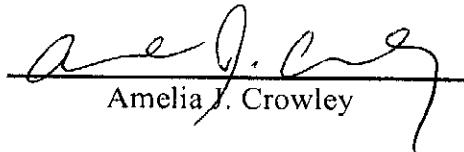
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Dated: New York, New York
February 2, 2010



Amelia J. Crowley